

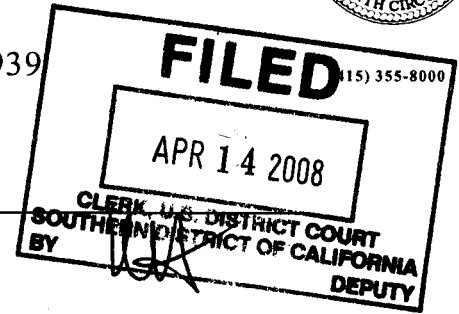


Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
Post Office Box 193939
San Francisco, California 94119-3939



April 10, 2008



USCA9 No.: 08-50157
D.C. No.: 3:08-cr-00416-LAB-1
Short Title: USA v. Francisco Esparza-Gutierrez

Dear Counsel:

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit.

The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeal docket number whenever you communicate with this court regarding this case. Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The following information is being provided in an attempt to answer the most frequently asked questions regarding the appellate process. Please review this information very carefully. For convenience, we use the term "Circuit Rules" instead of "Rules of the United States Court of Appeals for the Ninth Circuit" and "FRAP" instead of "Federal Rules of Appellate Procedure."

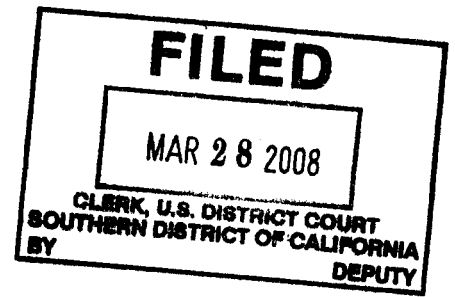
Enclosed with this letter is an appellate processing schedule along with a case processing checklist to help you monitor the progress of your case.

Appellants/Petitioners who are filing pro se should refer to the accompanying information sheet regarding the filing of informal briefs.

Failure of the appellant to comply with the time schedule order may result in dismissal of the appeal.

Please read the enclosed materials carefully.

DAVID M.C. PETERSON
 California State Bar Number pending
 FEDERAL DEFENDERS OF SAN DIEGO, INC.
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 San Diego, CA 92101-5008
 Telephone: (619) 234-8467
 Email: David_Peterson@fd.org
 ___ Retained X Appointed



IN THE UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

TRIAL JUDGE Honorable Larry A. Burns.

Court Reporter Eva Oemick

UNITED STATES OF AMERICA,

) Case No. 08CR0416-LAB

Plaintiff-Appellee,

) **NOTICE OF APPEAL (Criminal)**

v.

08-50157

FRANCISCO ESPARZA-GUTIERREZ,

Defendant-Appellant.

Notice is hereby given that Francisco Esparza-Gutierrez, Appellant-Defendant above-named, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the

(X) final judgment (F. R. Crim. P. 32(b))

() sentence only (18 U.S.C. § 3742) Sentence imposed _____.

() order (describe): _____.

the last of which was entered in this proceeding on the 24th day of March, 2008

If government appeal: Was the filing of this appeal approved in accordance with 18 U.S.C. § 3742(b)(4)?
 ___ Yes ___ No

DATED: March 25, 2008

DAVID M.C. PETERSON, Attorney for Defendant

Transcripts Required** x Yes ___ No Date Ordered or to be ordered 4/15/08

Date (X) Indictment () Information Filed 2/19/08

Bail Status in custody

Will there be a request to expedite the appeal and set a schedule faster than that normally set? ___ Yes ___ No (Note: This does not alleviate requirement of FRAP 27-12 a motion to expedite which must be done in accordance with FRAP 27).

*Pursuant to Fed. R. Crim. P. 32(a)(2) the defendant may request the clerk to prepare and file the Notice of Appeal.

**If transcript required, transcript order form (CA9-036 must be completed and court reporter contacted to make arrangements for transcription.